



Queensland

Summary Offences (Gatecrashing) and Another Act Amendment Bill 2007



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Contents

		Page
Part 1	Preliminary	
1	Short title	4
Part 2	Amendment of Summary Offences Act 2005	
2	Act amended in pt 2	4
3	Insertion of new s 12A	4
	12A Gatecrashing private party	4
4	Amendment of s 28 (Evidentiary provision)	5
5	Amendment of sch 2 (Dictionary)	6
Part 3	Amendment of Police Powers and Responsibilities Act 2000	
6	Act amended in pt 3	7
7	Insertion of new ch 19, pt 4A	7
	Part 4A Powers relating to gatecrashers at private parties	
	595A Power to remove persons from premises used for private party	7
	595B Power to give direction to persons loitering or assembled at or near premises used for private party	8

2007

A Bill

for

***An Act to amend the *Summary Offences Act 2005* and the
*Police Powers and Responsibilities Act 2000****

*Summary Offences (Gatecrashing) and Another Act
Amendment Bill 2007*

The Parliament of Queensland enacts—

1

Part 1 Preliminary

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Clause 1 Short title

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This Act may be cited as the *Summary Offences
(Gatecrashing) and Another Act Amendment Act 2007*.

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**Part 2 Amendment of Summary
Offences Act 2005**

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Clause 2 Act amended in pt 2

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This part amends the *Summary Offences Act 2005*.

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Clause 3 Insertion of new s 12A

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After section 12—

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insert—

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‘12A Gatecrashing private party

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‘(1) This section applies if a prescribed person reasonably suspects that a person who is on premises that are being used for a private party is not entitled to be on the premises.

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‘(2) The prescribed person may require the person to produce evidence that the person is entitled to be on the premises.

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‘(3) If, after the requirement is made, the person refuses or fails to produce evidence that is satisfactory to the prescribed person, the prescribed person may advise the person that the person is a trespasser on the premises.

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*Summary Offences (Gatecrashing) and Another Act
Amendment Bill 2007*

- ‘(4) Subsection (3) does not limit the ways in which a person may become a trespasser on premises that are being used for a private party. 1
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- ‘(5) A person who— 4
- (a) trespasses on premises that are being used for a private party; and 5
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- (b) if asked to leave the premises by a prescribed person, whether the person is asked individually or as a member of a group— 7
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9
- (i) does not leave the premises immediately; or 10
- (ii) again trespasses on the premises while the premises are being used for the private party; 11
12
- commits an offence. 13
- Maximum penalty—30 penalty units or 18 months imprisonment. 14
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- ‘(6) A person who, while trespassing on premises that are being used for a private party, behaves in an offensive way, commits an offence. 16
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18
- Maximum penalty—40 penalty units or 2 years imprisonment. 19
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- ‘(7) A person who is charged with an offence against subsection (6) may be convicted of an offence against subsection (5) if the offence is established by the evidence. 21
22
23
- ‘(8) Without limiting what might constitute behaving in an offensive way, a person behaves in an offensive way if the person uses offensive, obscene, indecent or abusive language.’. 24
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- Clause 4 Amendment of s 28 (Evidentiary provision) 28**
- Section 28— 29
- insert— 30*
- ‘(1A) In a proceeding for an offence against section 12A— 31

*Summary Offences (Gatecrashing) and Another Act
Amendment Bill 2007*

- (a) a statement in a charge of an offence that stated premises were being used for a private party on a stated date and at a stated time is evidence of the matter; or
- (b) a statement in a charge of an offence that a person named in the charge was, on a stated date, a prescribed person in relation to stated premises is evidence of the matter.’.

Clause 5 Amendment of sch 2 (Dictionary)

Schedule 2—

insert—

‘occupier, in relation to premises, means the person in possession, or entitled to immediate possession, of the premises.

premises means—

- (a) any land; or
- (b) any building or structure; or
- (c) any aircraft or vehicle.

prescribed person, in relation to premises that are being used for a private party, means—

- (a) the occupier of the premises; or
- (b) a person responsible for organising the party; or
- (c) a person acting on the authority of—
 - (i) the occupier of the premises; or
 - (ii) a person responsible for organising the party.

private party means a party, event or celebration to which admittance is allowed by invitation only, but does not include a party, event or celebration held—

- (a) on premises, other than residential premises, by or on behalf of a company or business; or
- (b) in a public place; or

*Summary Offences (Gatecrashing) and Another Act
Amendment Bill 2007*

- (c) on premises, or a part of premises, to which a licence
under the *Liquor Act 1992* relates, other than a general
purpose permit under that Act.’. 1
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Part 3 **Amendment of Police Powers** 4
and Responsibilities Act 2000 5

- Clause 6** **Act amended in pt 3** 6
This part amends the *Police Powers and Responsibilities Act*
2000. 7
8

- Clause 7** **Insertion of new ch 19, pt 4A** 9
After section 595— 10
insert— 11

‘Part 4A **Powers relating to gatecrashers** 12
at private parties 13

‘595A Power to remove persons from premises used for 14
private party 15

- ‘(1) This section applies if— 16
(a) a police officer attending at premises that are being used 17
for a private party reasonably suspects that a person on 18
the premises is committing an offence against the 19
Summary Offences Act 2005, section 12A; and 20
(b) a prescribed person asks the police officer to remove the 21
person from the premises. 22
‘(2) The police officer may remove the person from the premises. 23
‘(3) In this section— 24
premises see the *Summary Offences Act 2005*, schedule 2. 25

*Summary Offences (Gatecrashing) and Another Act
Amendment Bill 2007*

<i>prescribed person</i> see the <i>Summary Offences Act 2005</i> ,	1
schedule 2.	2
<i>private party</i> see the <i>Summary Offences Act 2005</i> , schedule 2.	3
 ‘595B Power to give direction to persons loitering or assembled at or near premises used for private party	4 5
‘(1) This section applies if—	6
(a) a person is loitering at or near premises that are being used for a private party; or	7 8
(b) a group of persons is assembled at or near premises that are being used for a private party.	9 10
‘(2) A police officer may exercise a power under section 48 in relation to the person or a member of the group of persons at or near the premises if the police officer reasonably believes or reasonably suspects that—	11 12 13 14
(a) the person, or a member of the group of persons—	15
(i) is or has been behaving in a disorderly, indecent or offensive way; or	16 17
(ii) is or has been using offensive language; or	18
(iii) in any way is, or has been, unlawfully—	19
(A) obstructing or interfering with a person seeking to attend the private party; or	20 21
(B) disrupting the conduct of the private party; or	22
(b) a breach of the peace has happened, is happening or is about to happen in the vicinity of the person or group of persons.	23 24 25
‘(3) In applying section 48—	26
(a) the person’s behaviour or presence is a relevant act; and	27
(b) the premises that are being used for a private party are taken to be a regulated place.	28 29
‘(4) Subsection (2)(b) does not limit a police officer’s powers under chapter 2, part 6.	30 31
‘(5) In this section—	32

*Summary Offences (Gatecrashing) and Another Act
Amendment Bill 2007*

<i>premises</i> see the <i>Summary Offences Act 2005</i> , schedule 2.	1
<i>private party</i> see the <i>Summary Offences Act 2005</i> , schedule 2.	2
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